

**Notice of Allowability**

Application No.

10/824,314

Examiner

Kenneth E. Peterson

Applicant(s)

CHANG, CHING T.

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the telephone discussion of 28 August 06.
2. ☒ The allowed claim(s) is/are 1-7.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>24 June 04</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                                 | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

1. On 15 May 06, Ching Chang elected group I via telephone. However, since an allowable independent claim has been agreed to, the restriction requirement is hereby withdrawn and all claims are rejoined.
2. In regards to the Declaration, Examiner notes that the title of the invention is omitted. The MPEP requires that the Declaration "identify the application to which it is directed". However, the Declaration does include an attorney docket number, and the same attorney docket number is found on other papers in the Application. Accordingly, Examiner deems the Declaration meets the requirement of identifying the application to which it is directed.
3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ching Chang on 28 August 06.

The application has been amended as follows:

On line 8 of claim 1, "the top" has been changed to --a top--.

On line 9 of claim 1, "engaging to" has been changed to --engaged with--.

At the end of claim 1, after "wedges", the following has been inserted;

--said housing assembly includes a wedge knife assembled by multi-blades where each blade has a slot to combine one to another to form a wedge knife assembly, said housing assembly further including an extendable knife, said knife having a follower sitting in a curved slot of a cam such that the knife cuts slits in the wedges--.

In claim 2, the phrase "housing assembly includes an outer housing holding a wedge knife assembled by multi-blades where each blade having a slot to combine one to another forms a wedge knife assembly, and a two-dimensional cam-and-follower device having a two-dimensional cam and" has been changed to --follower is--. Also at the end of claim 2, "two dimensional" has been changed to --curved slot of said--.

On line 1 of claim 3, "having" has been changed to --has--.

On line 2 of claim 3, "a" has been changed to --said--.

In claim 3, the term "two dimensional" has been deleted on all three occurrences.

In claim 4, the phrase "said ball-end follower further has a solidly linked body with an extended knife on the opposite end, and a through hole on said body pivotally assembles said body on a" has been changed to --said extendable knife is pivotally mounted on--.

In claim 6, the phrase "with the cutting center of said citrus wedge cutting devise of claim 1" has been deleted.

4. The following is an examiner's statement of reasons for allowance:

There are numerous devices for slicing lemons into wedges, such as Codikow (5,337,480). Also, Carlson shows one driven by a rack and pinion. However, none of

these wedge cutters employ an insertion knife driven by a curved slot cam to cut slits in the wedges.

The patent to Vadas shows citrus cutting with some elements driven by a curved slot cam (60), but not an insertion knife.

The patent to de la Cruz et al. shows an insertion knife, but it is not cam driven, and there are no wedge cutters.

Made of record but not making Applicant's invention obvious are numerous other food cutting devices.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Peterson whose telephone number is 571-272-4512. The examiner can normally be reached Mon-Thurs, 7:30AM-5PM

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Art Unit: 3724

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KP

August 28, 2006



**KENNETH E. PETERSON  
PRIMARY EXAMINER**